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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,195	04/14/1999	MASAHITO NIIKAWA	032567-011	1785

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

11

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/291,195

Applicant(s)

NIIKAWA, MASAHIRO

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see paper number 9, filed 12/1/2003, with respect to Claims 1-15 have been fully considered and are persuasive. The rejection of the claims based on Ueno et al has been withdrawn. The examiner agrees with the argument that the prior art does not teach the use of a camera that is connected to a computer and can execute a program stored in memory of the computer and that the computer creates a region in the memory accessible from the camera, Therefore, the rejection has been withdrawn.

Applicant's arguments, see paper number 9, filed 12/1/2003, with respect to the rejection(s) of claim(s) 6 and 7 under Ueno et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2003/0128283 Watanabe et al.

Applicant's arguments, see paper number 9, filed 12/1/2003, with respect to the rejection(s) of claim(s) 13 under Ueno et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2001/0011328 Chung.

The examiner apologizes for the delay in prosecution of this case. Due to the new grounds of rejection for Claims 6-9 and 13, this action has been made non-final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2003/0128283 Watanabe et al.

2: In regards to Claim 1, Watanabe et al teaches on Paragraphs [0056] and [0109-0113] and depicts in Figures 2 and 10 an image processing system including a photographing apparatus (1), and an image processing apparatus (2) to which said photographing apparatus and recording medium (71) can be connected, wherein said photographing apparatus (1) comprises a controller for executing a program stored in said recording medium, and an interface (61) for reading a program for processing the image data recorded in said memory out of an external recording medium (70); and a controller (58) for executing the program read out from the external recording medium (70). Watanabe et al teaches on Paragraph [0109] that the external memory card (70) stores the program used for driving the camera. Watanabe et al teaches in Figure 3, and on Paragraphs [0109-0113] that the image processing apparatus (2) comprises a processor (31) for creating a region accessible from said photographing apparatus, and a controller (8) for causing the program to be stored in the region. Watanabe et al teaches that the camera reads a program off of a memory card (70). It is inherent that a computer recorded the program onto the memory card. This process of storing a program to be read by the camera is viewed as creating a region in the memory accessible from the camera.

3: As for Claim 6, Watanabe et al teaches on Paragraphs [0056] and [0109-0113] and depicts in Figures 2 and 10 the use of a photographing apparatus (1a), comprising:

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an image sensor (53); a memory (19) for recording image data taken by said image sensor (53); an interface (61) for reading a program for processing the image data recorded in said memory out of an external recording medium (70); and a controller (58) for executing the program read out from the external recording medium (70). Watanabe et al teaches on Paragraph [0109] that the external memory card (70) stores the program used for driving the camera. Watanabe et al teaches that the image sensor captured an image and then stores the single frame of image data into memory. Watanabe et al teaches that image processing is preformed on the image data such as compression. Watanabe et al teaches that the overall control of the camera is controlled by the control unit (58).

4: In regards to Claim 7, Watanabe et al teaches on Paragraph [0109] the memory (70) is attachable to and detachable from said photographing apparatus.

5: Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by US 2001/0011328 Chung.

6: As for Claim 13, Chung teaches on Paragraph [0095-0096] and [0110] a method for formatting a recording medium, the method including the steps of: Creating a first region for storing a first program in the recording medium. The first program being executed by a photographing apparatus. The first region is viewed as the region that stores CODE1 which is viewed as a first program. Chung teaches on Paragraph [0110] that the device can be a camera. Creating a second region for storing a second program in the recording medium. The second region is viewed as the region that stores CODE2, which is viewed as a second program. Chung teaches the use of a third region in the recording medium, the third region being temporarily used

as a task region during the execution of the first program. The examiner views the third region as the memory Cache that is re-written when the different programs are executed.

Allowable Subject Matter

7: Claims 10-12, 14 and 15 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art does not teach nor fairly suggest the use of a camera that executes a program stored in a recording medium that is controlled by an external image processing apparatus. Furthermore, the image processing apparatus creates a region accessible from the camera, and causes the program to be stored in the region.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8: Claims 2-5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; JP 08-223526 Yoshio; US 2003/0038880 No.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

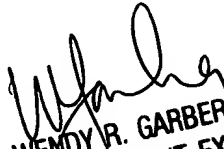
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James M Hannett
Examiner
Art Unit 2612

JMH
December 29, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600